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common law the owners of trees standing on the highway were liable for injuries occurring in consequence of their neglect to trim them, but the statement was not necessary to a decision of the case, which concerned the liability of a city for an alleged public nuisance, and in *Jones v. City of New Haven*, 34 Conn. 1, apparently the authority relied on, the liability of the city for injuries to a traveler caused by a tree falling in a public park was based on the charter and by-laws of the city rather than on the fact that the city was owner and in possession of the tree. On the other hand, municipal corporations have often been held liable for injuries caused by falling trees because of their duty to maintain the highways, a reasonable degree of care being the test for liability. *Lundy v. Sedalia*, 162 Mo. App. 218; *Chase v. City of Lowell*, 151 Mass. 422; *McGarey v. City of New York*, 85 N. Y. Supp. 861; *Jones v. Greensboro*, 124 N. C. 310. See *Miller v. City of Detroit*, 156 Mich. 630, *contra*. In the principal case, the court, following the decision in *Noonan v. City of Stillwater*, 33 Minn. 198, held that the fact that counties and statutory towns were not liable for damages occasioned by defects in the public highways, even though charged with the duty of keeping them in repair, was no valid reason for placing the liability for injuries caused by such defects on the abutting land owner, and the decision would seem to be satisfactory, even though in that state the risk of falling trees on the rural highways is thereby assumed by the traveler.

HUSBAND AND WIFE—HUSBAND LIABLE FOR WIFE'S CRIME IN HOME.—W owned the house in which she lived with her husband. She manufactured and sold whisky in the home in violation of Act No. 53 of the Public Acts of 1919. W and her husband were jointly charged with the offense. Evidence tended to show that the husband had disapproved of W's activities. *Held*, both were guilty of violating the statute. *People v. Sybisloo* (Oct., 1921), 216 Mich. 1.

When a wife commits a crime in the presence of her husband coercion is generally presumed, but this is rebuttable. *Commonwealth v. Hopkins*, 133 Mass. 381; *U. S. v. Terry*, 42 Fed. 317. Although otherwise in the case of criminal acts *malum in se*, if a statutory crime is merely *malum prohibitum* criminal intent may not be necessary. *Commonwealth v. Boynton*, 2 Allen 160 (defendant honestly believed the liquor sold was not intoxicating); *King v. The State*, 66 Miss. 502 (same, "He was bound at his peril to ascertain and know the nature of the article [liquor] which he sold"); 20 MICH. L. REV. 109. *Contra*: *Farrell v. The State*, 32 Ohio St. 456 ("The accused's intention at the time of the sale [of liquor] was involved in the issue.") The decisions based upon facts substantially like those of the principal case apply one of three rules regarding a husband's liability for his wife's criminal acts in the absence of coercion. 1. If the acts of the wife are without the consent and against the will of the husband, mere knowledge of the acts will not impose liability upon him. *Commonwealth v. Hill*, 145 Mass. 305 (W owned the house in which she and H lived, and she sold liquor and conducted the business of gambling and prostitution therein); *Commonwealth v. Pratt*, 126 Mass. 462 (W conducted a hotel and sold liquor in a portion

of the house rented by her and used as a home for W and H); *Commissioners of Excise v. Keller*, 20 How. Pr. 280 (*semble*). 2. The husband has power to regulate his household, and his liability is absolute if he fails to prevent his wife from making an illegal use of the home. *Commonwealth v. Barry*, 115 Mass. 146 (H owned the house, but W was carrying on the business in her own name and violated the liquor statute); *Commonwealth v. Wood*, 97 Mass. 225 (W owned the house used as a home, and conducted therein the business of prostitution); *Commonwealth v. Kennedy*, 119 Mass. 211 (H and W owned the house, and W conducted a hotel and sold liquor in a part of it); *State v. Rozum*, 8 N. D. 548. 3. If the husband has knowledge of the fact that his wife is making an illegal use of the family dwelling-house he is bound to use *reasonable means* to prevent her acts. *Commonwealth v. Walsh*, 165 Mass. 62 (W used a part of the house as a store and made illegal sales of liquor). Where a wife acts as agent for her husband in a business not connected with the home, and violates the liquor law, the husband is not liable unless the illegal acts were done with his knowledge and consent. *Seibert v. State*, 40 Ala. 60. Also, *State v. Pisaniello*, 88 N. J. Law 262 (sale of liquor to a minor). The principal case adopts the *third* rule, and, consistent with the cases holding the husband liable even in the absence of coercion, reasons that the common-law right of the husband to regulate and control his own household imposes upon him a duty to use all "reasonable means" to prevent the commission of this class of illegal acts by his wife. The cases have not decided or suggested how far he must go before he has discharged the duty of using "reasonable means." Danger of exposing the wife to a criminal prosecution inheres in any active measures which the husband might take to prevent her criminal activities. With this consideration, it is submitted that domestic tranquility and social welfare are best secured by applying the *first* rule whenever the facts are similar to those in the principal case.

INJUNCTIONS—LABOR UNIONS—"CHECK-OFF" SYSTEM.—A conspiracy was formed between the coal mine operators of the Central Competitive Field (Western Pennsylvania, Ohio, Indiana, and Illinois) and their miners (members of the United Mine Workers of America) to coerce mine operators of the Williamson District (West Virginia and Kentucky) into unionizing their mines. The result of such action would have been to raise the price of the Williamson District product so that it could not compete with the Central Competitive Field through interstate commerce. To accomplish their design the United Mine Workers sent into West Virginia over two and a half million dollars, and a veritable state of war existed until the President was forced to send troops into the state to quell the disturbances. Union funds were raised by means of the "check-off" system. Under this system assessments are taken from the wages of the miners by the operators and paid by them to the Union. Plaintiff, a non-union operator in the Williamson District, obtained a temporary injunction, enjoining, *inter alia*, the raising of money by means of the "check-off." 275 Fed. 871. On appeal it was *held*, that this phase of the injunction should be modified, that the operation